

ULSTER TOWN BOARD MEETING
MARCH 19, 2009 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN DAVID BRINK
TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILMAN ROCCO SECRETO
SUPERVISOR NICKY B. WOERNER

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Councilman Joel B. Brink motioned to approve the minutes of February 5, 2009 and February 23, 2009.

2nd by Councilman Secreto
All Ayes

ABSTRACT OF CLAIMS

Councilman Joel B. Brink motioned to approve the following:

FUND	CLAIM #	AMOUNT
UTILITIES		
GENERAL	301-329	17,338.84
ULSTER WATER	301-307a	7,427.79
HALCYON PK. WATER	301-302	1,028.34
SPRING LAKE WATER	301-303	351.59
BRIGHT ACRES WATER	301	549.46
GLENERIE WATER	301	27.98
EAST KINGSTON WATER	301	93.33
WHITTIER SEWER	301-302	2,006.09
ULSTER SEWER	301-304	321.84
WASHINGTON AVE. SEWER	301-302	180.45
SPECIAL LIGHT	301-305	3,644.16
ALL OTHERS		
GENERAL	301-3148	87,884.42
HIGHWAY	301-332	64,672.01
WHITTIER SEWER	301-302	85.00
ULSTER SEWER	301-316	12,580.72
ULSTER WATER	301-325	18,804.06
HALCYON PK. WATER	301-303	485.10
SPRING LAKE WATER	301-302	1,555.00
BRIGHT ACRES WATER	301-305	466.25
CHERRY HILL WATER	301	25.00
GLENERIE WATER	301	25.00

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EAST KINGSTON WATER	302	25.00
INSURANCE (ALL FUNDS)	301-318	116,345.97
MEDICARE REIMB.		14,013.00
CAPITAL PROJECTS		
TRUST & AGENCY	301-328	24,645.00
DRAINAGE PROJECTS	301	90.00
WASHINGTON AVE. SEWER	301	58,717.00
TOTAL		\$ 433,388.40

2nd by Councilman David Brink
All Ayes

Councilman Secreto motioned to approve the following 2009 Budget Modifications:

General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-Biddy Basketball):	
	Anaconda Sports - patches	\$379.50
	Anaconda Sports - shirts	\$62.80
	Anaconda Sports electronic Scoreboard,bag	\$434.00
	Total	\$876.30
General Fund	Modify Appropriation A2989.400 (DARE Program) to be funded through A5990 (AppropFundBalance) appropriate unexpended funds from 2008	\$1,806.55
General Fund:	Modify Appropriation A3120.200 (Equipment) to be funded through A5990 (Approp. Fund Balance) 2008 DARE donation from Target	\$1,000.00
General Fund:	Modify Appropriation A1110.200 (Court Grant) to be funded through A5990 (AppropFund Balance) appropriate funds unexpended from 2008 State Grant #4257	\$13,843.37
General Fund:	Modify Appropriation A1110.200 (Court Grant) to be funded through A5990 (Approp Fund Balance) appropriate funds unexpended from 2009 State Grant #5187	\$12,202.80
General Fund:	Modify Revenue A2680 (Insurance Recovery) and Appropriation A3120.421 (Veh.Maint.)check from Peerless Insurance for damage to 2008 Dodge Charger, loss date 12/28/08,Skyles	\$11,488.07
General Fund:	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-Biddy Basketball)payment to David Jackson for refereeing	\$90.00
Special District Fire Districts	Modify Revenue SSF-1081 (IN Lieu of Taxes) and Approp. SSF-3410.403 (Ulster Hose #5) payment for Head Trauma Tax Pilot	\$34,876.45
Library	Modify Revenue SLL-1081 (In Lieu of Taxes) and Approp. SSF-7410.400 (Library) payment for Head Trauma Tax Pilot	\$5,513.16

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General Fund	Modify Revenue A2680 (Insurance Recovery) and Appropriation A3120.421 (Veh.Maint.) check from Peerless Insurance for damage to 2008 Dodge Charger, loss date 12/28/08 Skyes		\$749.31
General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-Biddy Basketball)		
	Boys & Girls Club of Kingston/Donation from William Haber for refereeing		\$75.00
	David Jackson - refereeing		\$30.00
	Gary Beesmer - refereeing		\$270.00
		Total	\$375.00
General Fund	<u>Transfer From</u>	<u>Transfer To</u>	
	A1355.200 - Equipment	A1355.403 - Office Supplies	\$ 1,081.00
	A3620.404 - Equip. Maint.	A3620.403 - Office Supplies	\$ 1,500.00
Ulster Sewer:	<u>Transfer From</u>	<u>Transfer To</u>	
	SS2-1990.480 Contingency	SS2-1990.481 - Sewer Rents	\$ 500.00
	SS2-8130.454 Maintenance	SS2-1990.481 - Sewer Rents	\$ 501.00
General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-Softball League) electric bill, Orlando St.		\$ 32.40
General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-Biddy Basketball):		
	Ferraro's Mid-City Lanes - bowling,pizza & soda		\$ 1,216.00
	Deuires Trophies - plaques, trophies		\$ 1,059.00
		Total	\$ 2,275.00
General Fund:	Modify Revenue A2680 (Insurance Recoveries) and Approp. A3120.421 (Veh.Maint.) check from Progressive Insurance for damage to 2007 Dodge Charger, loss date 2/18/09 Garvila		\$ 1,563.59
General Fund	<u>Transfer From</u>	<u>Transfer To</u>	
	A3120.101 O.T. Wages	A3120.100 Wages	\$21,886.12

2nd by Councilman Joel B. Brink
A Roll Call Vote was taken – All Ayes

7:00 PM Storm Water - MS-4 - Proposed Local Law #1

Supervisor Woerner opened the public hearing for the proposed MS-4, proposed local law #1 at 7:18 PM

There was no public comment.

Councilman Joel B. Brink moved to close the hearing at 7:19 PM

2nd by Councilman Secreto

All Ayes

Councilman Joel B. Brink moved to approve the following:

A LOCAL LAW PROVIDING THE ADOPTION
OF A NEW CHAPTER 88

LOCAL LAW NO. 1 OF THE YEAR 2008

A Local Law providing the adoption of a new Chapter 88 of the Code of the Town of Ulster entitled "Stormwater Management and Erosion and Sediment Control."

WHEREAS, the Town Board has made determined that certain land development activities and increases in impervious surfaces connected with such activities increase the amount of stormwater runoff in the town; and

WHEREAS, the Town has certain responsibilities in relation to stormwater management as a result of the enactment of the Municipal Separate Storm Sewer System (MS4) Phase II stormwater management requirements of the National Pollutant Discharge Elimination System (NPDES);

WHEREAS, the Town Board has determined that it is desirable to enact provisions of law to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety and welfare of the residents of the Town of Ulster; and

NOW THEREFORE be it enacted by the Town Board of the Town of Ulster, Ulster County, New York, as follows:

A new Chapter 88 of the Town Code of the Town of Ulster is hereby adopted as follows:

Town of Ulster
Chapter 88

STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

ARTICLE I. General Provisions

Section 88-1. Findings of fact.

It is hereby determined that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition.

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- B. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species.
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat.
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation.
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow.
- F. Substantial economic losses can result from these adverse impacts on the waters of the Town.
- G. Stormwater runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities.
- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

Section 88-2. Purpose.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 88-1 hereof. This chapter seeks to meet those purposes by achieving the following objectives:

- A. Meet the minimum requirements for control of construction site and postconstruction runoff of the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) general permit for stormwater discharges from municipal separate stormwater sewer systems (MS4s), Permit No. GP-02-02 or as amended or revised.
- B. Require land development activities to conform to the substantive requirements of the NYSDEC SPDES general permit for construction activities GP-02-01 or as amended or revised.

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- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and to maintain the integrity of stream channels.
- D. Minimize increases in pollution caused by stormwater runoff from land development activities, which would otherwise degrade local water quality.
- E. Minimize the total annual volume of stormwater runoff that flows from any specific site during and following development to the maximum extent practicable.
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

Section 88-3. Statutory authority.

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Ulster has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Town of Ulster and for the protection and enhancement of its physical environment. The Town Board of Ulster may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

Section 88-4. Applicability.

- A. This Chapter shall be applicable to all land development activities as defined in §88-6 of this Chapter.
- B. The Town Board shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the Town Planning Board and/or Town Board as provided herein, the Stormwater Management Officer may:
 - (1) Review the plans;
 - (2) Upon approval by the Town Board of the Town of Ulster, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or
 - (3) Accept the certification of a licensed professional that the plans conform to the requirements of this law.
- C. All land development activities subject to review and approval by the Planning Board and/or Town Board of the Town of Ulster under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this chapter and other applicable laws and regulations.

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- D. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Articles I and II of this chapter shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Article II of this chapter. The approved preliminary subdivision plat shall be consistent with the provisions of this chapter.
- E. An SWPPP consistent with the requirements of Articles I and II of this chapter and with the terms of preliminary plat approval shall be required for final subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Article II of this chapter. The approved final subdivision plat shall be consistent with the provisions of this chapter.
- F. An SWPPP consistent with the requirements of Articles I and II of this chapter shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in Article II of this chapter. The approved site plan shall be consistent with the provisions of this chapter.
- G. No land development activity not subject to review as stated in §88-4C above shall be commenced unless and until the Town Planning Board and/or Town Board as provided herein has approved an SWPPP submitted to the Board.

Section 88-5. Exemptions.

The following activities may be exempt from review under this law.

- A. Agricultural activity as defined in this chapter.
- B. Silvicultural activity except that landing areas and log haul roads are subject to this law.
- C. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- D. Alteration or maintenance of an existing structure that will not have an impact on the quantity or quality of the surface water discharge from a site.
- E. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- F. Land development activities that received prior approval from the Town Planning Board prior to the effective date of this chapter; however, said activities shall not be exempt from compliance with applicable state laws or regulations governing stormwater management and control.

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- G. Land development activities for which a building permit has been approved on or before the effective date of this chapter; however, said activities shall not be exempt from compliance with applicable state laws or regulations governing stormwater management and control.
- H. Cemetery graves.
- I. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- J. Emergency activity immediately necessary to protect life, property or natural resources.
- K. Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.
- L. Landscaping and horticultural activities in connection with an existing structure.

ARTICLE II. Stormwater Control

Section 88-6. Definitions.

The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meaning as set forth in this section.

AGRICULTURAL ACTIVITY - The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT - A property owner or agent of a property owner who has filed an application for a land development activity.

BUILDING - Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CHANNEL - A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING - Any activity that removes the vegetative surface cover.

DEDICATION - The deliberate appropriation of property by its owner for general public use.

DEPARTMENT - The New York State Department of Environmental Conservation

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DESIGN MANUAL - The New York State Stormwater Management Design Manual, most recent version including applicable updates that serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER - A person who undertakes land development activities.

EROSION CONTROL MANUAL - The most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

GEOGRAPHICAL INFORMATION SYSTEM (GIS) — A satellite-based navigation system made up of a network of satellites placed into orbit by the U.S. Department of Defense and available for civilian use.

GIS COORDINATOR — A person designated by the Town Board to accept and review all GIS/GPS recordkeeping data as it relates to stormwater outfalls and permanent stormwater facilities.

GLOBAL POSITIONING SYSTEM (GPS) — A collection of computer hardware, software, and geographic data for capturing, managing, analyzing, and displaying all forms of geographically referenced information.

GRADING – Excavation, fill, or movement of material, including the resulting conditions thereof.

IMPERVIOUS COVER- Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

INDUSTRIAL STORMWATER PERMIT - A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries that regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION - The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

LAND DEVELOPMENT ACTIVITY - Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is

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part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER - The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT - A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

NON-POINT SOURCE POLLUTION - Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING - Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN - Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROJECT - Land development activity.

RECHARGE - The replenishment of underground water reserves.

SEDIMENT CONTROL - Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS - Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION - The use of practices that prevent exposed soil from eroding.

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STOP WORK ORDER - An order issued that requires that all construction activity on a site be stopped.

STORMWATER - Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT - A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT - The use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY - One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER (SMO) - An employee or officer designated by the Town Board to accept and review stormwater pollution prevention plans, forward the plans to the Town Planning Board and/or Town Board and, if required, inspect stormwater management practices and maintain records of such plans and inspection reports.

STORMWATER MANAGEMENT PRACTICES (SMPs) - Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or non-point source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF - Flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK

- A. Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.
- B. Storm sewers and waste treatment systems including treatment ponds or lagoons that also meet the criteria of this definition are not waters of the state. This exclusion applies only to man-made bodies of water that neither were originally created in waters of the

state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TOTAL MAXIMUM DAILY LOAD (TMDL) – Is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL specifies the allowable pollutant loading from all contributing sources (e.g., point sources, non-point sources, and natural background) at a level necessary to attain the applicable water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between the sources of the pollutant and water quality. In essence, a TMDL defines the assimilative capacity of the waterbody to absorb a pollutant and still meet water quality standards.

WATERCOURSE - A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY - A channel that directs surface runoff to a watercourse or to the public storm drain.

Section 88-7. Stormwater pollution prevention plans.

A. Stormwater pollution prevention plan requirements.

- (1) No application for approval of a land development activity shall be reviewed until the appropriate board of the Town has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.
- (2) In general, the erosion and sediment control plan is the SWPPP for disturbances less than one (1) acre and for the construction of single-family residences where the total disturbance of the project is less than five (5) acres.
- (3) In the case of projects having a total disturbance area of less than five (5) acres, and for which no SWPPP is required, the applicant will provide to the Town's GIS Coordinator on the submitted plans and as-built plans any and all GPS reference data for stormwater outfalls and permanent structures built in accordance with the New York State Stormwater Management Design Manual.

B. Contents of stormwater pollution prevention plans. All SWPPPs, except as noted above, shall provide the following background information and erosion and sediment controls:

- (1) Background information about the scope of the project, including the location, type and size of the project.
- (2) Site map (no smaller than 1" = 100')/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all

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proposed improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);

- (3) A map and description of the soil(s) present at the site;
- (4) A construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
- (5) A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff.
- (6) A description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
- (7) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close out.
- (8) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
- (9) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the sighting and sizing of any temporary sediment basins.
- (10) Temporary practices that will be converted to permanent control measures.
- (11) An implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration that each practice should remain in place.
- (12) A maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice.
- (13) Name(s) of the receiving water(s).
- (14) Delineation of SWPPP implementation responsibilities for each part of the site.

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- (15) A description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
 - (16) Any existing data that describes the stormwater runoff at the site.
 - (17) Any additional information shall be provided if requested by the Stormwater Management Officer.
 - (18) The Town's GIS Coordinator for all stormwater outfalls and permanent structures built in accordance with New York State Stormwater Management Design Manual.
- C. Land development activities as defined herein and meeting Condition "A", "B" or "C" below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection D below as applicable:
- (1) Condition A: Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - (2) Condition B: Stormwater runoff from land development activities disturbing five (5) or more acres.
 - (3) Condition C: Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.
- D. SWPPP requirements for Condition A, B and C:
- (1) All information in Section 88-7B of this chapter.
 - (2) A description of each post-construction stormwater management practice.
 - (3) A site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice.
 - (4) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms.
 - (5) Comparison of post-development stormwater runoff conditions with pre-development conditions.
 - (6) Dimensions, material specifications and installation details for each post-construction

stormwater management practice.

- (7.) A maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
 - (8.) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
 - (9.) An inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Section 88-9 D of this chapter.
- E. Plan certification. The SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this chapter.
- F. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
- G. Contractor certification.
- (1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
 - (2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
 - (3) The certification statement(s) shall become part of the SWPPP for the land development activity.
- H. Plans on site. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.
- I. As-built drawings. After the Town's final inspection of the installed drainage facilities, the applicant/developer shall submit to the SMO and GIS Coordinator an as-built drawing of the

drainage facilities along with the GPS reference data on all outfalls and permanent drainage structures.

Section 88-8. Performance and design criteria.

All non-exempt land development activities shall be subject to the following performance and design criteria:

- A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:
 - (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)
 - (2) New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version) or its successor, hereafter referred to as the "Erosion Control Manual".
- B. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

Section 88.9. Maintenance and repair of facilities.

- A. Maintenance and during construction.
 - (1) The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
 - (2) The applicant or developer or representative identified in the SWPPP shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every seven days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. The reports shall be delivered to the Stormwater Management Officer and also copied to the site logbook.
- B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served

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by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Ulster to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of Ulster.

- C. Maintenance after construction. Permanent stormwater management practices installed in accordance with this chapter shall be operated and maintained by the owner or operator to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:
- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) that are installed or used by the owner or operator to achieve the goals of this chapter.
 - (2) Written procedures for operation and maintenance and training new maintenance personnel.
 - (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 88-8 of this chapter.
- D. Maintenance Agreement. The Town of Ulster shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter, entitled "Sample Stormwater Control Facility Maintenance Agreement." Editor's Note: Schedule B is included at the end of this chapter. The Town of Ulster, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided that such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§ 88-10. Inspections; monitoring and reporting; right of entry; performance guarantees.

A. Construction inspection.

- (1) Erosion and sediment control inspection.
 - (a) The Town of Ulster Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Ulster enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

[1] Start of construction.

- [2] Installation of sediment and erosion control measures.
 - [3] Completion of site clearing.
 - [4] Completion of rough grading.
 - [5] Completion of final grading.
 - [6] Close of the construction season.
 - [7] Completion of final landscaping.
 - [8] Successful establishment of landscaping in public areas.
- (b) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted, except for site stabilization, until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.
- (2) Stormwater management practice inspections. The Town of Ulster Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.
- (3) Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including, but not limited to, routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type that are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.
- (4) Submission of reports. The Town of Ulster Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.
- (5) Right of entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private

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property and the public stormwater system, the landowner shall grant to the Town of Ulster the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in § 88-10A(3).

B. Performance guarantee.

- (1) Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Ulster in its approval of the stormwater pollution prevention plan, the Town of Ulster may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Ulster as the beneficiary. The security shall be in an amount to be determined by the Town of Ulster based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Ulster, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town of Ulster.
- (2) Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Ulster with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Ulster may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
- (3) Recordkeeping. The Town of Ulster may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

§ 88-11. Enforcement; penalties for offenses.

- A. Notice of violation. When the Town of Ulster determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
- (1) The name and address of the landowner, developer or applicant.

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- (2) The address when available or a description of the building, structure or land upon which the violation is occurring.
 - (3) A statement specifying the nature of the violation.
 - (4) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action.
 - (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
 - (6) A statement that the determination of violation may be appealed to the Town by filing a written notice of appeal within 15 days of service of notice of violation.
- B. Stop-work orders. The Town of Ulster may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town of Ulster confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.
- C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.
- D. Penalties for offenses. No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any terms of this chapter.
- (1) Any person violating any of the provisions of this chapter shall be deemed guilty of an offense, and each day during which any violation of any of the provisions of this chapter is committed, continued or permitted shall constitute a separate offense.
 - (2) Upon conviction of any such violation, such person, partnership or corporation shall be punished by a fine of not more than \$250 for each offense.
 - (3) In addition to any other penalty authorized by this section, any person, partnership or corporation convicted of violating any of the provisions of this chapter shall be required to bear the expense of any such restoration.
- E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may prevent the occupancy of said building or land.

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- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Lloyd may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 88-12. Fees for services.

Persons undertaking land development activities regulated by this chapter shall pay all development and consulting fees incurred by the Town of Ulster in connection with the review of SWPPPs, inspections, or SMP maintenance performed by the Town of Ulster or performed by a third party for the Town of Ulster. The reasonableness of these fees shall be audited by the Supervisor of the Town of Ulster.

§ 88-13. Severability and effective date.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter. This chapter shall be effective upon filing with the office of the Secretary of State.

Schedule A

Group	Practice	Description
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.

Group	Practice	Description
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no base flow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W - 1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.

Group	Practice	Description
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

Schedule B

SAMPLE STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT

Whereas, the Town Board of the Town of Ulster, hereafter referred to as Town Board and the _____ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Town Board for the below named project, and

Whereas, the Town Board and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Town Board and the facility owner agree as follows:

1. This agreement binds the Town Board and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culvert s, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.

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4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Town Board within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Town Board.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Town Board or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Town Board within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
8. This agreement shall be recorded in the Office of the County Clerk, County of Ulster together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to _____.
9. If ever the Town Board determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Town Board or by the inspecting engineer, the Town Board is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
10. This agreement is effective _____.

Signature

Date

2nd by Councilman David Brink
A Roll Call Vote was taken – All Ayes

7:15 PM Fee Schedule Changes - Proposed Local Law #2

Supervisor Woerner opened the public hearing for proposed local law #2 for revision to the Town's Fee schedule at 7:20 PM

There was no public comment.

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Councilman Secreto motioned to adjourn the public hearing at 7:23 PM

2nd Councilman David Brink

All Ayes

Councilman Secreto motioned to adopted the following:

A LOCAL LAW AMENDING AN EXISTING LOCAL LAW

LOCAL LAW NO. 2 OF THE YEAR 2009

A Local Law amending Local Law No. 2 of the Year 2008 and Local Law No. 2 of the Year 2006 pertaining to Town Fees.

Be it enacted by the Town Board of the Town of Ulster, Ulster County, New York, as follows:

SECTION I. AMENDMENT

Section A194-1 of the Code of the Town of Ulster is hereby amended so that its current provisions are repealed and it shall hereafter read as appears on Schedule A Attached hereto.

SECTION II. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidated the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

SECTION III. EFFECT OF AMENDMENT

Except as herein modified, Local Law No. 2 of the Year 2008 and Local Law No. 2 of the Year 2006, and any subsequent valid amendments thereto, are hereby ratified and confirmed.

SECTION IV. EFFECTIVE DATE

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York Secretary of State.

SCHEDULE A

§ A194-1. Fees established.

There shall be fees for the following permits and services in amounts as provided annually by resolution of the Town Board:

A. Town Clerk

Copies of Town Code:

- (1) Complete Code Book
- (2) Zoning regulations: zoning books, zoning maps, subdivision regulation books.

Town Clerk fees:

- (1) Accident report.
- (2) Bingo, per occasion.
- (3) Copies, per sheet.
- (4) Boat fees:
 - (a) Seasonal permit.
 - (b) Daily permit.
- (5) Carnival, per scheduled occasion.
- (6) Freedom of Information Act:
 - (a) Per page copy fee.
 - (b) For extensive searches of archive records an hourly fee to be set based on the hourly pay, including all benefits, of the lowest paid person capable of performing the search.
- (7) Games of chance, per occasion.
- (8) Going out of business.
- (9) Hawkers and peddlers.
 - (a) Per days
 - (b) Three days
 - (c) Per month
 - (d) Per year
- (10) Junkyard permit fee: fee for start up and fee for annual renewal

- (11) Marriage license.
- (12) Mobile home permits (on private land for originals and replacements).
- (13) Mobile home parks, per lot permitted.
- (14) Pavilion permit:
 - (a) For resident: small pavilion – Weekend / Weekday; large pavilion – Weekend/ Weekday.
 - (b) For nonresident: small pavilion – Weekend/ Weekday;
Large pavilion – Weekend/ Weekday.
- (15) Special events permits, per scheduled occasion.

B. Tax Collector

- (1) Tax bill requests for copies: to be picked up only with a fee per copy.
- (2) The fee for mailing of the notice of unpaid taxes, shall be a charge against the parcel, shall be pursuant to section 987 of Real Property Tax Law

C. Building Department

Building Permits:

- (1) Residential – 1 and 2 family construction: Permit must be obtained. Fee based on cost of**

Value of Construction

\$0 to \$2,000

\$2,001 to \$25,000

\$25,000 to \$50,000

Over \$50,000

Along with the Building Permit fee, the Certificate of Occupancy fee will be paid.

(2) Commercial and Multi-family Uses

New Construction:

The Building permit fee will be calculated on the gross floor square foot area (based on exterior building dimensions including all walls and common areas) .

Gross Sq. Ft of Buildings/Structures	Fee Per Sq. Ft.
---	------------------------

Up to 5,000	
Over 5,000 up to 20,000	
Over 20,000 up to 50,000	
Over 50,000 sq. feet.	

Please Note: An escrow account will be established to cover consultant's costs as required.
See *Escrow Amounts*.

Alterations or modification under construction:

A charge per sq. ft. of gross floor area with fixed minimum fee.

An escrow account will be established to cover consultants costs as required.
See *Escrow Amounts*.

(3) Improvement Plan Inspection Fee:

Commercial and Multi-family residential: Where special site conditions require full-time inspection, the additional cost will be paid by the applicant.

(4) Other inspections and fees related to building construction:

(a) Requested inspections outside of normal business hours: charge per hour
[minimum charge: two (2) hours in addition to the permit fee].

(b) Additional plan review required by changes, additions or revisions to approved plans: charge per hour.

(c) In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of fifty percent (50%) of the fee paid. There is no refund on approved and issued permits.

(d) Building permit extension of one year: fixed minimum fee or ten percent (10%) of the original building permit fee, whichever is larger.

(5) Certificate of occupancy: **If building permit is in effect:** A fixed charge for one or two family dwellings. For all others, the charge is fifty percent (50%) of building permit fee.

If a building permit is not in effect: and the work is partially or completely done, then in addition to the certificate of occupancy fee and building permit fee, there will

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be an additional compliance fee for a one or two family dwelling and a different fee for all other uses.

(6) Temporary certificates of occupancy:

- (a) First temporary certificate of occupancy: fee plus performance bond on remaining work required under site plan approval.
- (b) Second and subsequent temporary certificates of occupancy: an additional fee.
- (c) No more than three (3) temporary certificates will be issued.

(7) Floodplain permit:

- (a) Flood development permit:

(8) Copy certificate of occupancy title search:

(9) Demolition permit per occasion:

(10) Blasting Fee: (Permit expires 30 days after issuance)

(11) Other Permits (includes inspection for certificate of compliance):

- (a) Fences -
- (b) Woodstoves -
- (c) Tents – Residential: No charge

Commercial: fee per day with no more than 15 days within a calendar year

- (d) Fire/Burglar Installation Permit Fee for other than a 1 or 2 family residence is \$100 per install or remodel/alteration

(12) Fire Inspections: As mandated by the Uniform Fire Prevention & Building Code
For each visit, fee based on gross square footage of floor area.

Size of Structure	Fee per Square Foot
Up to 2,000 sq. ft.	per sq. ft.
Over 2,000 sq. ft. but not over 5,000 sq. ft.	per sq. ft.

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Over 5,000 sq. ft. but not over 10,000 sq. ft.	per sq. ft.
Over 10,000 sq. ft. but not over 25,000 sq. ft.	per sq. ft.
Over 25,000 sq. ft.	per sq. ft.

(13) Sign Fees:

(a) Fixed freestanding signs:

- (1) fee for revised sign permit.
- (2) fee for each, plus additional fee per square foot of sign face.

(b) Temporary and/or portable signs:

- (1) Maximum size: five by ten (5 x 10) feet; permit must be obtained by property owner.
- (2) Fee per month

(c) Certificate of compliance for non-occupied structures

D. Planning Board Fees [Note: Refunds of site plan fees shall be limited to plans withdrawn prior to Planning Board review.]:

- (1) Site plans, residential (attached; multiple dwellings; duplex, etc.): fee per dwelling unit applied for, plus fee per one thousand (1,000) gross square feet of nonresidential structure.
- (2) Site plans, commercial/office/individual:
 - (a) A base fee plus a fee based on the gross square footage of the floor area as follows:

Size of Structure In Square Feet	Fee per Square Foot
Up to 2,000	
Over 2,000 up to 5,000	
Over 5,000 up to 20,000	
Over 20,000 up to 50,000	
Over 50,000	

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- (b) Site plan for signs only: basic fee plus sign permit fee additional each, plus a fee per sq. ft. of sign face.
- (3) Site plan renewal/extension: twenty percent (20%) of application fee.
- (4) Special Use Permit: basic fee plus Site Plan fees.
- (5) SEQR review [additional fee]:
 - (a) SEQR, Type II and unlisted actions: included in site plan fee except when a positive SEQR declaration is reached, in which case the fees are the same as for a Type I action.
 - (b) Type I action base: application fee plus actual expense of review (time and materials), subject to the fee limitation in 6 NYCRR Part 617.13.
 - 2% of total cost for residential;
 - ½ of 1% of total cost as provided in 6 NYCRR 617.13
- (6) Sign permit fee: Same as Site Plan.
- (7) Subdivisions:
 - (a) Sketch plan review: a fee for each submission to Planning Board.
 - (b) Lot line revision : no additional fee above sketch plan;
 - (c) Preliminary plat, major subdivision: base fee, plus additional fee per each newly created lot.
 - (d) Preliminary plat, minor subdivision: base fee, plus additional fee per lot
 - (e) Recreation fee (in lieu of land): per dwelling unit.
- (8) Workshop: A cancellation fee will be charged to all persons making appointments to the weekly workshop sessions. This fee is to be received at the scheduling of workshop appointments and will be returned to the individual at the time of the appointment. If the appointment is not kept the fee will be retained by the Town.

E. Zoning Board of Appeals Fees

RESIDENTIAL

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- (1) Area Variance:
- (2) Use Variance:
- (3) Public Hearing:
- (4) Sign variances: base fee plus public hearing - fee
- (5) 280-a variances:
- (6) Interpretation:
- (7) Appeals from decisions of administrative officer:

COMMERICAL

- (1) Area or Use Variance:

F. Escrow Amounts

- (1) Upon application to the Town Board, Building Department, Planning Board or Zoning Board of Appeals for any action or approval provided by law, the applicant shall deposit with the Town an amount determined by the approving agency to be sufficient to cover the reasonable and necessary costs of engineering, planning, legal and other consulting fees incurred by the Town in connection with the inspection and review of the application, including all costs necessary to comply with the State Environmental Quality Review Act. The approving agency may require the deposit of additional amounts from time to time thereafter if necessitated by further professional consulting fees in connection with the inspection and review of an application. If such additional amount is not deposited with the Town within 20 days after the applicant is notified in writing of the requirement for such additional deposit, the approving agency may suspend its inspection and review of the application. The amount of the deposits and costs set forth herein shall be audited by the Town Supervisor.
- (2) Any portion of the deposit that is not expended during the inspection and review of the application shall be returned to the applicant upon final approval by the Town.
- (3) Should the actual consulting fees exceed the deposit made to the Town for the application, the applicant shall reimburse the Town for the difference prior to the final approval of the application. No final approval shall be granted to the applicant unless all professional consulting fees charged in connection with the inspection and review of the application have been reimbursed to the Town.
- (4) The deposits made to the Town hereunder shall be placed in an account deemed appropriate by the Town Board.

G. Water Rates

Bright Acres Water District, water rates: Minimum charge 9,000 gal.; additional fee next 6,000 gal. additional fee next 10,000 gal. additional fee next 10,000 gal. additional fee next 10,000 gal over 45,000 gal.

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Cherry Hill Water District, water rates: Minimum charge 5,000 gal. Additional Fee for any amount over 5,000 gal. or portion thereof. Commercial: 1,000 gal. with minimum charge based on meter size. Direct charge from Ulster District to Cherry Hill:

Glenerie Water District water rates: Minimum charge for five thousand (5,000) gallons Additional fee for any amount over five thousand (5,000) gallons based on fee per one thousand gallons or part thereof District charge from Ulster Water District to Glenerie Water District, fee per one thousand (1,000) gallons.

Halcyon Park Water District, water rates: minimum charge for five thousand (5,000) gallons or any portion thereof in each quarter. Additional fee for next five thousand (5,000) gallons, per thousand (1,000) gallons or part thereof. Additional fee for ten thousand (10,000) gallons per 1,000 gallons or part thereof. Additional fee for next ten thousand (10,000) gallons per 1,000 gallons or part thereof. Additional fee for next ten thousand (10,000) gallons per 1,000 gallons or part thereof. Additional fee over fifty thousand (50,000) gallons per thousand (1,000) gallons or part thereof

East Kingston Water District, water rates: Minimum charge for the first 5,000 gal. Over 5,000 gal., or portion, thereof additional charge per thousand or part thereof.

Spring Lake Water District, water rates: Minimum charge up to 4,000 gal. Over 4,000 gal.: additional charge per thousand gallons or portion thereof.

Ulster Water District: Five thousand (5,000) gallons or any portion thereof in each quarter: Additional charge for over five thousand (5,000) gallons: per one thousand (1,000) gallons up to two hundred thousand (200,000) gallons. Additional charge for any amount over two hundred thousand (200,000) gallons, per one thousand (1,000) gallons or part thereof.

H. Water tap permit:

H-1 Fees:

<u>Size of Tap</u> <u>(inches)</u>	<u>Fee</u>
¾	
1	
1 ¼	
1 ½	
2	
4	
6	
8	
10	
12	

Tap Fee for Glenerie Water District contract area:

¾" Permit Fee:

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1" Permit Fee:

1 1/2" Permit Fee:

These rates apply to Glenerie Water District only. Variance due to meter cost being included in the contract.

- H-2** The tapping of water mains or distribution pipes, the furnishing of the corporation cocks, the curb cock and the box shall be provided by the district. The cost of the above-mentioned material shall be included in the permit fee for a three-fourths-inch tap. All materials for a larger tap shall be provided by owner of the property.
- H-3** Water usage studies: If prior years' will be charge per hour compile request, a fee of per hour with a two-hour minimum will have to be paid in advance via estimate to actual settled at conclusion of project.
- H-4** Turning water on after being turned off at the curb stop:
- H-5** Replacement of residential meters after pipe burst: a fixed fee or value of meter. Replacement of frost plate for residential meters: a fixed fee or value of frost plate, plus value of water lost as estimated by the district superintendent.
- H-6** Reapplication for water after water has been shut off at the corporate cock: not less than a fixed fee
- H-7** Quarterly commercial minimum meter charge: all districts

METER SIZE	MINIMUM GALLONS
1"	23,000
1 1/2"	38,000
2"	75,000
3"-7"	100,000
8" and above	200,000

- H-8** Bulk water sales for distribution, use or consumption outside the water district: a fixed fee per thousand (1,000) gallons.
- H-9** Sprinkler Systems base fee per year or fixed fee per quarter.
- H-10** Outside district: district rate plus ten percent (10%).

I. Sewer rates

Ulster Sewer Improvement Area: a fee for five thousand (5,000) gallons or any portion thereof in each quarter: For over five thousand (5,000) gallons, additional fee per one thousand (1,000) gallons or any portion thereof.

J. Sewer permit fee, Ulster Sewer Area and Whittier:

- (1) Residential:
- (2) Commercial:
- (3) Industrial:
- (4) Wastewater discharge permit:

K. Transfer Station Fees

PERMITS: *TOWN OF ULSTER RESIDENTS ONLY*

- Per year
- Half year (pro-rated on a half-year basis after July 1)
- Single day
- Second permit (yearly only)

For Town of Ulster Residents over the age of 62 only, the following fees apply

- Per year
- Half year (pro-rated on a half-year basis after July 1)
- Second permit

COUPONS:

- Book of Twenty
- One coupon

Permits, coupon books and single coupons may be purchased with cash, check or money order at the Town Clerk's Office. Permits and coupon books may be purchased at the Transfer Station by check or money order only.

CHARGEABLE ITEMS:

REFRIGERATORS, AIR CONDITIONERS AND DEHUMIDIFIERS ARE NOT ACCEPTED.

- Appliances
- Bedding
 - Twin and full mattress
 - Box spring
 - Queen or larger
 - Box spring
- Couch
- Dresser/chest
- Folding chair

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- Household trash
- Love seat
- Living room chair
- Non-upholstered chair
- Televisions
 - 13" to 19"
 - 20" to 27"
 - 28" to 36"
 - 37" or larger

- Tires (car and pickup **only**)

BRUSH AND CLEAN LUMBER: (No commercial landscapers are permitted to dump)

- Must be 6" or less in diameter and 6' or less in length
- Pickup truck load
- 1-ton truck or larger

PROPANE GAS TANK:

- 20 pound

COMPOST (Remove if not in biodegradable paper bags)

- Grass clippings and leaves, etc. No charge

THE FOLLOWING ITEMS ARE NOT ACCEPTED:

- Construction materials/debris
- Demolition materials/debris
- Hazardous waste

THE FOLLOWING ITEMS ARE ACCEPTED AT NO CHARGE (Permit required)

- Recyclable glass (only clear, green or brown)
- Bottles
- Jars
- Recyclable plastic
- Cans
- Lids
- Cardboard (MUST BE FLATTENED)
- Brown
- Gray
- Brown bags
- Magazines and junk mail

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- Various types of colored printed materials
- Phone books
- Newspapers
- Scrap metal (MUST BE SEPARATED – STEEL/ALUMINUM/COPPER)
Metal items only (less than 2 cu.ft.)

2nd by Councilman David Brink
A Roll Call Vote was Taken – All Ayes

Councilman Joel B. Brink motioned to approve the following:
**RESOLUTION OF THE TOWN BOARD ESTABLISHING FEES FOR THE YEAR 2009
AS PROVIDED BY ARTICLE 194 OF THE TOWN CODE**

WHEREAS, Article 194 of the Town of Ulster Code provides that there shall be fees for certain permits and services in the Town of Ulster, and

WHEREAS, Article 194 provides that said fees shall be set on an annual basis, and

WHEREAS, the Town Board of the Town of Ulster has reviewed the fees charged by the Town and has determined that the following fees should apply for the calendar year 2009,

NOW THEREFORE, be it resolved that:

The following fees shall apply for permits and services in the Town of Ulster:

A. Town Clerk

Copies of Town Code:

- (1) Complete Code Book: fifty dollars (\$50.)
- (2) Zoning regulations: zoning books- ten dollars (\$10.), zoning maps- six dollars (\$6.), subdivision books- five dollars (\$5.).

Town Clerk fees:

- (1) Accident report: twenty-five cents (\$0.25) per page.
- (2) Bingo, per occasion: eighteen dollars and seventy-five cents (\$18.75).
- (3) Copies, per sheet: twenty-five cents (\$0.25).
- (4) Boat fees:
 - (a) Seasonal permit: fifty dollars (\$50.) per trailer.

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- (b) Daily permit: eight dollars (\$8.) per trailer.
- (5) Carnival, per scheduled occasion: one hundred dollars (\$100.).
- (6) Freedom of Information Act:
 - (a) Per page copy fee: twenty-five cents (\$0.25).
 - (b) For extensive searches of archive records: twenty-two dollars (\$22.) per hour.
- (7) Games of chance, per occasion: twenty-five dollars (\$25.).
- (8) Going out of business: five hundred dollars (\$500.).
- (9) Hawkers and peddlers:
 - (a) Per day: twenty-five dollars (\$25.)
 - (b) Three days: fifty dollars (\$50.)
 - (c) Per month: one hundred dollars (\$100.)
 - (d) Per year: three hundred dollars (\$300.)
- (10) Junkyard permit fee: one thousand dollars for start up (\$1,000.)
two hundred dollars (\$200.) per year renewal.
- (11) Marriage license: Forty dollars (\$40.).
- (12) Mobile home permits (on private land for originals and replacements): fifty dollars (\$50.).
- (13) Mobile home parks, per lot permitted: five dollars (\$5.).
- (14) Pavilion permit:
 - (a) For resident: small pavilion – Weekend: one hundred dollars (\$100.),
Weekday: fifty dollars (\$50.); large pavilion – Weekend: two hundred dollars (\$200.). Weekday: one hundred dollars (\$100.).
 - (b) Nonresident: small pavilion – Weekend: one hundred-fifty dollars (\$150.)
Weekday: seventy-five dollars (\$75.); large pavilion – Weekend: two hundred-seventy-five dollars (\$275.) Weekday: one hundred-fifty dollars (\$150.)

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- (15) Special events permits, per scheduled occasion: one hundred dollars
(\$100.00)

B. Tax Collector

Tax bill requests for copies: to be picked up only with a fee of one dollar (\$1.) per copy.

C. Building Department

Building Permits:

(1) Residential – 1 and 2 family

Fee

Value of Construction

\$0 to \$2,000

\$12.00; permit must be obtained

\$2,001 to \$25,000

\$18.00, plus \$6.00 for each
additional \$1,000 or fraction
over \$2,000 to and including
\$25,000

\$25,000 to \$50,000

\$150.00 for first \$25,000, plus
\$5.00 for each additional \$1,000
or fraction thereof to and including
\$50,000

Over \$50,000

\$270.00 for the first \$50,000 plus \$4.00
for each additional \$1,000 or fraction
thereof

Along with the Building Permit fee, the Certificate of Occupancy fee will be paid.

(2) Commercial and Multi-family Uses

New Construction:

The Building permit fee will be calculated on the gross floor square foot area (based on exterior building dimensions including all walls and common-areas) .

Gross Sq. Ft of Buildings/Structures

Fee Per Sq. Ft.

Up to 5,000

\$0.45 per sq. ft. or a min. of \$300

Over 5,000 up to 20,000

\$2,250.00 plus \$0.35 per sq. ft. over 5,000

Over 20,000 up to 50,000

\$7,500.00 plus \$0.25 per sq. ft. over 20,000

Over 50,000

\$15,000.00 plus \$0.15 per sq. ft. over 50,000

An escrow account will be established to cover consultant's costs as required.

See *Escrow Amounts*.

Alterations or modification under construction:

\$0.15 per sq. ft. of gross floor area. Minimum of \$100

An escrow account will be established to cover consultants costs as required.

See *Escrow Amounts*.

(3) Improvement Plan Inspection Fee:

Commercial and Multi-family residential: Where special site conditions require full-time inspection, the additional cost will be paid by the applicant.

(4) Other inspections and fees related to building construction:

- (a) Requested inspections outside of normal business hours: fifty dollars (\$50.) per hour [minimum charge: two (2) hours in addition to the permit fee].
- (b) Additional plan review required by changes, additions or revisions to approved plans: forty dollars (\$40.) per hour.
- (c) In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of fifty percent (50%) of the fee paid. There is no refund on approved and issued permits.
- (d) Building permit extension of one year: twenty dollars (\$20.) or ten percent (10%) of the original building permit fee, whichever is larger.

(5) Certificate of occupancy: **If building permit is in effect:** fifty dollars (\$50.) for one or two family dwellings. For all others, the charge is fifty percent (50%) of building permit fee. **If a building permit is not in effect:** and the work is partially or completely done, then in addition to the certificate of occupancy fee and building permit fee, there will be an additional compliance fee of two hundred dollars (\$200.) for a one or two family dwelling and one thousand dollars (\$1000.) for all other uses.

(6) Temporary certificates of occupancy:

- (a) First temporary certificate of occupancy: two hundred dollars (\$200.) plus performance bond on remaining work required under site plan approval.
- (b) Second and subsequent temporary certificates of occupancy: two hundred dollars (\$200.).
- (c) No more than three (3) temporary certificates will be issued.

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(7) Floodplain permit:

(a) Flood development permit: one hundred fifty dollars (\$150.).

(8) Copy certificate of occupancy title search: fifty dollars (\$50.).

(9) Demolition permit: one hundred fifty dollars (\$150.) per occasion.

(10) Blasting Fee: one hundred fifty dollars (\$150.) per parcel. Permit expires 30 days after issuance

(11) Other Permits (includes inspection for certificate of compliance):

(a) Fences - \$25

(b) Woodstoves - \$100

(c) Tents – Residential: No charge

Commercial: \$10 per day with no more than 15 days within a calendar year

(d) Fire/Burglar Installation Permit Fee for other than a 1 or 2 family residence is \$100 per install or remodel/alteration

(14) Fire Inspections: As mandated by the Uniform Fire Prevention & Building Code
For each visit, fee based on gross square footage of floor area.

Size of Structure	Fee per Square Foot
Up to 2,000 sq. ft.	\$0.0150 per sq. ft.
Over 2,000 sq. ft. but not over 5,000 sq. ft.	\$30.00 plus \$0.0125 per sq. ft. for area over 2,000 sq. ft.
Over 5,000 sq. ft. but not over 10,000 sq. ft.	\$67.50 plus \$0.0100 per sq. ft. for area over 5,000 sq. ft.
Over 10,000 sq. ft. but not over 25,000 sq. ft.	\$117.50 plus \$0.0075 per sq. ft. for area over 10,000 sq. ft.
Over 25,000 sq. ft.	\$230.00 plus \$0.0060 per sq. ft. for area over 25,000

(15) Sign Fees:

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(d) Fixed freestanding signs:

(2) Twenty dollars (\$20.) revised sign permit.

(3) Twenty dollars (\$20.) each, plus five dollars (\$5.) per square foot of sign face.

(e) Temporary and/or portable signs:

(3) Maximum size: five by ten (5 x 10) feet; permit must be obtained by property owner.

(4) Seventy-five (\$75) a month.

(f) Certificate of compliance for non-occupied structures - \$15.00.

D. Planning Board Fees [Note: Refunds of site plan fees shall be limited to plans withdrawn prior to Planning Board review.]:

(1) Site plans, residential (attached; multiple dwellings; duplex, etc.): fifty dollars (\$50.) per dwelling unit applied for, plus one hundred dollars (\$100.00) per one thousand (1,000) gross square feet of nonresidential structure.

(2) Site plans, commercial/office/individual:

(b) Three hundred dollars (\$300), plus a fee based on the gross square footage of the floor area as follows:

Size of Structure In Square Feet	Fee per Square Foot
Up to 2,000	\$0.10
Over 2,000 up to 5,000	\$200 plus \$0.15 over 2,000
Over 5,000 up to 20,000	\$650 plus \$0.17 over 5,000
Over 20,000 up to 50,000	\$3,200 plus \$0.20 over 20,000
Over 50,000	\$9,200 plus \$0.10 over 50,000

(b) Site plan for signs only: fifty dollars (\$50.), plus sign permit fee of twenty dollars (\$20.) each, plus five dollars (\$5.) per sq. ft. of sign face.

(3) Site plan renewal/extension: twenty percent (20%) of application fee.

(4) Special Use Permit: fifty dollars (\$50.) plus Site Plan fees.

(5) SEQR review [additional fee]:

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- (a) SEQR, Type II and unlisted actions: included in site plan fee except when a positive SEQR declaration is reached, in which case the fees are the same as for a Type I action.
- (b) Type I action: application fee of three hundred dollars (\$300.) plus actual expense of review (time and materials), subject to the fee limitation in 6 NYCRR Part 617.13.

2% of total cost for residential;

½ of 1% of total cost as provided in 6 NYCRR 617.13

(6) Sign permit fee: Same as Site Plan.

(7) Subdivisions:

(d) Sketch plan review: One hundred dollars (\$100.) for each submission to Planning Board.

(e) Lot line revision – no additional fee above sketch plan;

(f) Preliminary plat, major subdivision: Three hundred dollars (\$300.), plus two hundred dollars (\$200.) per each newly created lot.

(d) Preliminary plat, minor subdivision: Three hundred dollars (\$300.), plus one hundred (100.) per lot

(e) Recreation fee (in lieu of land) One Thousand Five Hundred dollars (\$1,500.) per dwelling unit.

(8) Workshop: A fifty (\$50.) dollar cancellation fee will be charged to all persons making appointments to the weekly workshop sessions. This fee is to be received at the scheduling of workshop appointments and will be returned to the individual at the time of the appointment. If the appointment is not kept the fee will be retained by the Town.

E. Zoning Board of Appeals Fees

RESIDENTIAL

- (1) Area Variance: fifty dollars (\$50.)
- (2) Use Variance: one hundred dollars (\$100.)
- (3) Public Hearing: fifty dollars (\$50.)
- (4) Sign variances: one hundred dollars (\$100.) plus public hearing - \$50.
- (5) 280-a variances: two hundred fifty dollars (\$250.)
- (6) Interpretation: fifty dollars (\$50.)
- (7) Appeals from decisions of administrative officer: two hundred fifty dollars (\$250.)

COMMERICAL

- (1) Area or Use Variance: two hundred fifty dollars (\$250.)

F. Escrow Amounts

- (1) Upon application to the Town Board, Building Department, Planning Board or Zoning Board of Appeals for any action or approval provided by law, the applicant shall deposit with the Town an amount determined by the approving agency to be sufficient to cover the reasonable and necessary costs of engineering, planning, legal and other consulting fees incurred by the Town in connection with the inspection and review of the application, including all costs necessary to comply with the State Environmental Quality Review Act. The approving agency may require the deposit of additional amounts from time to time thereafter if necessitated by further professional consulting fees in connection with the inspection and review of an application. If such additional amount is not deposited with the Town within 20 days after the applicant is notified in writing of the requirement for such additional deposit, the approving agency may suspend its inspection and review of the application. The amount of the deposits and costs set forth herein shall be audited by the Town Supervisor.
- (2) Any portion of the deposit that is not expended during the inspection and review of the application shall be returned to the applicant upon final approval by the Town.
- (3) Should the actual consulting fees exceed the deposit made to the Town for the application, the applicant shall reimburse the Town for the difference prior to the final approval of the application. No final approval shall be granted to the applicant unless all professional consulting fees charged in connection with the inspection and review of the application have been reimbursed to the Town.
- (4) The deposits made to the Town hereunder shall be placed in an account deemed appropriate by the Town Board.

G. Water Rates

Bright Acres Water District, water rates: Minimum charge 9,000 gal. \$46.44. n ext 6,000 gal. \$3.70 M, next 10,000 gal. \$4.07M, next 10,000 gal. \$4.47M, next 10,000 gal \$4.91M, over 45,000 gal. \$5.40M.

Cherry Hill Water District, water rates: Minimum charge 5,000 gal. \$13.75. Over 5,000 gal. or portion thereof \$2.75M. Commercial: \$2.75 / 1,000 gal. with minimum charge based on meter size. Direct charge from Ulster District to Cherry Hill: \$2.50M.

Glenerie Water District water rates: Minimum charge five thousand (5,000) gallons, twelve dollars (\$12.). Over five thousand (5,000) gallons, two

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dollars and forty cents (\$2.40) per one thousand gallons. District charge from Ulster Water District to Glenerie Water District, Two Dollars (\$2.) per one thousand (1,000) gallons.

Halcyon Park Water District, water rates: Five thousand (5,000) gallons or any portion thereof in each quarter: eight dollars and seventy cents (\$8.70). Next five thousand (5,000) gallons, one dollar and seventy five cents (\$1.75) per thousand (1,000) gallons. Next ten thousand (10,000) gallons, two dollars and ten cents (\$2.10). Next ten thousand (10,000) gallons, two dollars and thirty five cents (\$2.35). Next ten thousand (10,000) gallons, two dollars and sixty cents (\$2.60) over fifty thousand (50,000) gallons, two dollars eighty five cents (\$2.85) per thousand (1,000) gallons.

East Kingston Water District, water rates: Minimum charge \$13.50 for the first 5,000 gal. Over 5,000 gal., or portion, thereof \$2.70 per thousand.

Spring Lake Water District, water rates: Minimum charge up to 4,000 gal. \$21.00. Over 4,000 gal.: \$5.25 per thousand gallons or portion thereof.

Ulster Water District: Five thousand (5,000) gallons or any portion thereof in each quarter: ten dollars (\$10.00). For over five thousand (5,000) gallons: two dollars (\$2.00) per one thousand (1,000) gallons up to two hundred thousand (200,000) gallons. Over two hundred thousand (200,000) gallons, two dollars and forty cents (\$2.40) per one thousand (1,000) gallons.

H. Water tap permit:

H-1 Fees:

<u>Size of Tap</u> <u>(inches)</u>	<u>Fee</u>
$\frac{3}{4}$	\$250.00
1	350.00
1 $\frac{1}{4}$	400.00
1 $\frac{1}{2}$	450.00
2	700.00
4	1,000.00
6	1,500.00
8	2,200.00
10	4,000.00
12	6,000.00

Tap Fee for Glenerie Water District contract area:

$\frac{3}{4}$ " Permit Fee: \$150.00 (One Hundred Fifty Dollars)

1" Permit Fee: \$250.00 (Two Hundred Fifty Dollars)

1 $\frac{1}{2}$ " Permit Fee: \$350.00 (Three Hundred Fifty Dollars)

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These rates apply to Glenerie Water District only. Variance due to meter cost being included in the contract.

- H-2** The tapping of water mains or distribution pipes, the furnishing of the corporation cocks, the curb cock and the box shall be provided by the district. The cost of the above-mentioned material shall be included in the permit fee for a three-fourths inch tap. All materials for a larger tap shall be provided by owner of the property.
- H-3** Water usage studies: If prior years' records have to be removed from storage to compile request, a fee of fifteen dollars (\$15.) per hour with a two-hour minimum will have to be paid in advance via estimate to actual settled at conclusion of project.
- H-4** Turning water on after being turned off at the curb stop: twenty-five dollars (\$25.).
- H-5** Replacement of residential meters after pipe burst: eighty-five dollars (\$85.) or value of meter. Replacement of frost plate for residential meters: forty dollars (\$40.) or value of frost plate, plus value of water lost as estimated by the district superintendent.
- H-6** Reapplication for water after water has been shut off at the corporate cock: not less than one hundred dollars (\$100.).
- H-7** Quarterly commercial minimum meter charge: all districts

METER SIZE	MINIMUM GALLONS
1"	23,000
1 ½"	38,000
2"	75,000
3"-7"	100,000
8" and above	200,000

- H-8** Bulk water sales for distribution, use or consumption outside the water district: ten dollars (\$10) per thousand (1,000) gallons.
- H-9** Sprinkler Systems: One Hundred Sixty Dollars (\$160.00) per year or Forty Dollars (\$40.00) per quarter.
- H-10** Outside district: district rate plus ten percent (10%).

I. Sewer rates

Ulster Sewer Improvement Area: Five thousand (5,000) gallons or any portion thereof in each quarter: seven dollars and fifty cents (\$7.50). For over five thousand (5,000) gallons, one dollar and fifty cents (\$1.50) per one thousand (1,000) gallons or any portion thereof.

J. Sewer permit fee, Ulster Sewer Area and Whittier:

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- (1) Residential: seventy-five dollars (\$75.).
- (2) Commercial: two hundred fifty dollars (\$250.).
- (3) Industrial: one thousand dollars (\$1,000.).
- (4) Wastewater discharge permit: three thousand five hundred dollars (\$3,500.).

K. Transfer Station Fees

PERMITS: *TOWN OF ULSTER RESIDENTS ONLY*

- Per year \$30.00
- Half year \$20.00 (pro-rated on a half-year basis after July 1)
- Single day \$10.00
- Second permit \$20.00 (yearly only)

For Town of Ulster Residents over the age of 62 only, the following fees apply

- Per year \$20.00
- Half year \$10.00 (pro-rated on a half-year basis after July 1)
- Second permit \$10.00

COUPONS:

- Book of Twenty \$60.00
- One coupon \$ 3.00

Permits, coupon books and single coupons may be purchased with cash, check or money order at the Town Clerk's Office. Permits and coupon books may be purchased at the Transfer Station by check or money order only.

CHARGEABLE ITEMS:

REFRIGERATORS, AIR CONDITIONERS AND DEHUMIDIFIERS ARE NOT ACCEPTED.

- | | |
|--------------------------|--|
| • Appliances | 5 coupons or \$15.00 |
| • Bedding | |
| ○ Twin and full mattress | 3 coupons or \$ 9.00 |
| Box spring | 3 coupons or \$ 9.00 |
| Queen or larger | 4 coupons or \$12.00 |
| Box spring | 4 coupons or \$12.00 |
| • Couch | 4 coupons or \$12.00 |
| • Dresser/chest | 1 coupon or \$ 3.00 per drawer space |
| • Folding chair | 1 coupon or \$ 3.00 |
| • Household trash | 1 coupon or \$ 3.00 per 30-35 gallon bag |

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- Love seat 3 coupons or \$ 9.00
- Living room chair 3 coupons or \$ 9.00
- Non-upholstered chair 2 coupons or \$ 6.00
- Televisions
 - 13" to 19" 1 coupon or \$ 3.00
 - 20" to 27" 2 coupons or \$ 6.00
 - 28" to 36" 3 coupons or \$ 9.00
 - 37" or larger 4 coupons or \$12.00
- Tires (car and pickup only) 2 coupons or \$ 6.00

BRUSH AND CLEAN LUMBER: (No commercial landscapers are permitted to dump)

- Must be 6" or less in diameter and 6' or less in length
- Pickup truck load 2 coupons or \$ 6.00
- 1-ton truck or larger 4 coupons or \$12.00

PROPANE GAS TANK:

- 20 pound 1 coupon or \$ 3.00

COMPOST (Remove if not in biodegradable paper bags)

- Grass clippings and leaves, etc. No charge

THE FOLLOWING ITEMS ARE NOT ACCEPTED:

- Construction materials/debris
- Demolition materials/debris
- Hazardous waste

THE FOLLOWING ITEMS ARE ACCEPTED AT NO CHARGE (Permit required)

- Recyclable glass (only clear, green or brown)
- Bottles
- Jars
- Recyclable plastic
- Cans
- Lids
- Cardboard (MUST BE FLATTENED)
- Brown
- Gray
- Brown bags
- Magazines and junk mail
- Various types of colored printed materials

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- Phone books
- Newspapers
- Scrap metal (MUST BE SEPARATED – STEEL/ALUMINUM/COPPER)
Metal items only (less than 2 cu.ft.)

2nd by Councilman Secreto
A Roll Call Vote was Taken – All Ayes

Town of Ulster Highway Equipment Request

Councilman Kitchen motioned to approve the purchase of a Ford F-250

2nd by Councilman Joel B. Brink
A Roll Call Vote was taken – All Ayes

Town of Ulster Police Contracts

Supervisor Woerner reported that he is preparing a schedule of cost estimates for the Town Board pertaining to the proposed Police Contract. He received a request that the Superior Office Union be dissolved and that Lieutenant Matthew Taggard's position be absorbed by the PBA. The Police Chief and Deputy would have independent contracts. There is a question as to whether the PBA would accept the Lieutenant.

Councilman Secreto motioned for the Town Board to consent to the Superior Officer's Association being dissolved and for the position of lieutenant to be absorbed by the Town of Ulster Police Benevolent Association contingent upon their approval
2nd by Councilman David Brink
All Ayes

Authorizing a special use permit for Susan Lichtenberg

Councilman Secreto motioned to approve a negative declaration SEQRA pertaining to a special use permit for Susan Lichtenberg
2nd by Councilman Joel Brink
All Ayes

Councilman Secreto motioned to approve the following:

Whereas, the Town Board has received an application for approval of a special use permit from Sue Lichtenberg and Rich Greffrath, for the purpose of conducting a timber harvest on a site located at 786 Neighborhood Road, Lake Katrine on lands owned by them(tax map parcel 39.19-3-47) and

Whereas, a Short Environmental form has also been submitted; and

Whereas, in accordance with Chapter 190 of the Town Code, the Town Board reviewed said application on March 19, 2009 and

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Whereas, under Section 239 1 and m of the General Municipal Law of the State of New York, the County of Ulster Planning Board has no jurisdiction with regard to this application; and

Whereas, the Town Board has reviewed the application and relevant materials submitted and has also taken into account its knowledge of the site and the surrounding neighborhood: and

Whereas, it has been determined that said special permit use is an unlisted action under the provisions of SEQRA;

Now Therefore, Be It Resolved, that:

1. The Town board finds that due to the nature of the project and the measures taken to minimize effects on the environment, the project will not have any significant effect on the environment, a Negative Declaration under SEQRA is hereby approved and an environmental impact statement will not be prepared.
2. The application for the special use permit approval is hereby approved in accordance with Chapter 190 of the Town Code with the following condition:

That the timber harvest to be conducted on the property shall be limited to that described in the contract attached hereto and incorporated herein as Exhibit "A" and that any further harvest of timber from this lot shall require another special permit.

Further that the permit shall comply with the Town Code such that the time and hours of work performed for the timber harvest shall be the same as general construction in the township.

2nd by Councilman David Brink

Discussion followed about history related to the permit and concern about noise related to the tree removal on the property.

A Roll Call vote was taken – 4 Ayes – 1 Nay by Councilman Kitchen

Awarding a bid for Salt and Chemicals for 2009

Supervisor Woerner motioned to award the Salt and Chemical bids to the following:

Salt

Company	Product	Delivery Price
US SALT	Bulk TX-10	\$ 119.60 per ton (22 ton min.)

CHEMICALS

Liquid Chlorine

Slack Chemical Company Inc.	150# Cylinder	\$104.00 Cylinder *
		\$100.00/Cyl. Deposit

Potassium Permanganate

Company	Product	Delivery Price
Slack Chemical Company Inc.		\$3.23 lb.

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2nd by Councilman Secreto
All Ayes

Filling a vacancy for a Full-Time permanent position in the Town of Ulster Wastewater Treatment Department

Councilman Kitchen motioned to hire Bran Hill as full-time wastewater worker effective April 6, 2009 at a pay rate of \$11.64 per hour (Grade 5, Step 1) with benefits

2nd by Councilman Joel B. Brink
A Roll Call Vote was taken - All Ayes

Authorizing the hiring of Creighton Manning Engineering, LLP, to complete professional services for the Frank Sottile Blvd. Extension

Councilman Joel B. Brink motioned to authorize the Town Supervisor to enter into a contract to hiring Creighton Manning Engineering, LLP, for professional services for Frank Sottile Blvd Extension at an estimated cost of \$5,000.00 that will be bourn by the road district once it is established

2nd by Councilman Secreto
All Ayes

Councilman Kitchen moved to approve the following:

Approving the Town of Ulster's Support and Participation in the Ulster County Multi-Jurisdictional Hazard Mitigation Plan

WHEREAS, the Ulster County Multijurisdictional Hazard Mitigation plan provides a framework to reduce damage from future events and makes Ulster County more disaster resistant, and thereby a safer place to live, and

WHEREAS, the plan identifies a full range of hazards that may affect Ulster County, identifies the assets in the County that are vulnerable to damage caused by the various hazards, and establishes goals and objectives that will be used in hazard mitigation activities, and

WHEREAS, the Town of Ulster, and the Towns of Gardiner, Hurley, Kingston, Lloyd, Marbletown, Marlboro, Rosendale, Saugerties, Shandaken, Shawangunk, and the City of Kingston have partnered with the Ulster County to make this plan both broad-based in scope and simultaneously specific to each municipality's needs, and

WHEREAS, the general public was engaged throughout the development of this plan by having access to each step of the planning process via the update reports given at public Town Board meetings in the Town of Ulster, and meetings with the Fire Chiefs and Emergency Services Representatives that protect the Town of Ulster, and the Town of Ulster Planner, and Comprehensive Planning Committee Chairman all of which were open to the public, and

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WHEREAS, having a Multijurisdictional Hazard Mitigation Plan approved by the Federal Emergency Management Agency allows participating municipalities to apply for hazard mitigation project grants, and

WHEREAS, the Director of Emergency Communications / Emergency Management has requested that the Ulster County Multijurisdictional Hazard Mitigation Plan be approved and adopted, and

WHEREAS, the Ulster County Legislature unanimously approved the Multijurisdictional Hazard Mitigation Plan on March 11, 2009, and

THEREFORE BE IT RESOLVED, that the Town of Ulster Town Board approves and supports the Ulster County Multijurisdictional Hazard Mitigation Plan as prepared and presented.

2nd by Councilman David Brink
All Ayes

Permission for Town Supervisor to Sign Grant Administration Documents

Councilman Secreto motioned to authorize the Town Supervisor to sign all necessary legal documents for the purposes of grant administration for the fiscal year project for 2008 and 2009 provided by the NYS Office of Parks, Recreation and Historic Preservation

2nd by Councilman David Brink
All Ayes

Set HUD Hearings

Councilman Joel B. Brink motioned to set a public HUD hearing for Thursday, March April 2, 2009 at 7:15 PM, on the Community Development Block Grant Program addressing community development needs and priorities

2nd by Councilman Secreto
All Ayes

Councilman Secreto motioned to set a second public HUD hearing for April 16, 2009 at 7:15 PM for the more specific grant proposal pertaining to the ideas generated by the earlier HUD hearing

2nd by Councilman Joel B. Brink
All Ayes

Wrentham and Savoy Street – Stop Sign Request

The Town Board discussed the stop sign request pertaining to Wrentham and Savoy Street.

Councilman Kitchen motioned to install a stop sign on the corner of Savoy Street and Wrentham Street

2nd by Councilman Secreto
All Ayes

Councilman Kitchen reported that he received a request for stop signs to be installed at the intersections of Plainfield Street and Harwich Street and Plainfield Street and Stahlman Place.

The matter was referred to the Police Department to review for traffic safety. The Police will monitor the area to discourage speeding.

Declaring lead agency status pursuant to the State Environmental Quality Review Act (SEQRA) for the GEIS for the redevelopment of TechCity

Councilman David Brink moved that the Town Board declare itself lead agency for the SEQRA for the GEIS pertaining to the redevelopment of TechCity
2nd by Councilman Joel B. Brink
All Ayes

Issuance of a Positive Declaration pursuant to the State Environmental Quality Review Act (SEQRA) for the GEIS for the redevelopment of TechCity

Councilman Secreto motioned to declare a positive declaration pursuant to the State Environmental Quality Review Act for the GEIS for the redevelopment of TechCity
2nd by Councilman Joel B. Brink
All Ayes

8:00 PM – Opening of Scoping Session for the GEIS for the redevelopment of TechCity.

Mr. Michael Divney gave a lengthy overview of the TechCity development. Some buildings will be removed to open up the site and add visibility. The buildings will be made recognizable with various building frontage schemes, renaming buildings versus the anonymity of being numbered. Buildings 1N and 3N will be recycled into an enclosed parking space. This will open up the older parking lots for more modern buildings to be built. Building 25 will be linked to the wastewater building and turned into a retail shopping area. There are plans to improve the internal roads and sidewalks as well as the possibility of connecting the site to Old Neighborhood Road. The traffic lights and entrances along Enterprise Drive and Boices Lane need to be improved as well. The site plan further reflects a mixed use with manufacturing, as noted, stores for shopping with residential apartments above them. This will help with the traffic flow by keeping workers on the premises and maintain a steady flow of low impact traffic to the area versus a large discharge. The plan hopes to create green roofs, add solar panels, rain gardens and increase energy efficiency.

Alan Sorensen, the Town Planner, stated that the proposal is compatible with the Town's Comprehensive Plan. There is a need to add an amendment or new section for an office manufacturing district development plan to the Town Code. The environmental issues with the site will be in the environmental impact statement as well as the action to mitigate that matter. This statement will be an analysis of the expected effects of the development on the surrounding area; finical and environmentally. Alternatives will be explored as well. Suggestions will be

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made to make the plan more compliant with the Town of Ulster and encourage growth inducement.

The floor was opened to public comment.

Tony Grimaldi – Is there is any overpass going to be built in regard to relieving traffic congestion due to the train crossing on Boices Lane.
Supervisor Woerner stated that was discussed as well as additional road and signal light improvements.

Robert Barton – He requested that the noise levels, ground test borings and air pollution be measured before and after to ensure that there are no drastic changes to the environment.

Mrs. Pat Metzger – She expressed concern over the current ground contamination and it being disturbed. What kind of stores will be built? Also, is TechCity involved in litigation with the town?

Supervisor Woerner reported that the town is not going to disturb the ground without the DEC's approval. There is no timetable to mediate the pollution there. There is a potential that the town will build roads through the stimulus money. The town has discussed building the roads or the county could as well. The developer could turn those roads back over to the town. The Town is involved in litigation over the assessed value of TechCity.

Mr. Michael Divney reported that the stores would include city sidewalk type stores.

Town Clerk Cosenza inquired as to the period of time residents have to participate in the scoping session.

Supervisor Woerner reported that there is a ten day period where the town will accept written letters in the Town Clerk's Office after the close of the meeting.

Ms. March Gallagher, representing County Executive Michael Hein, spoke in favor of the project.

A discussion occurred about town bonding pertaining to the PCK Development settlement from the last meeting between Supervisor Woerner and Robert Barton. Nothing could be determined until the terms are established.

Town Clerk Cosenza recognized Nancy France's labor in developing and maintaining the town website that is so often referred to at meetings and discussions.

A discussion followed between Councilman Kitchen and Supervisor Woerner about the PCK Development settlement.

Councilman Secreto motioned to authorize the Town Supervisor to investigate the tax certiorari process and settlement pertaining to the PCK development according to section 51 Town Law 2nd by Councilman Joel B. Brink

A Roll Call Vote was taken – All Ayes

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Mrs. Anne Davis, President of the Town of Ulster Library, asked the Town to consider installing the senior center as an extension to the current library. The Town Library is willing to work with the Town Board.

The Supervisor would review the proposal and check into the legal matters.

Councilman Secreto motioned to adjourn the meeting at 8:51 PM

2nd by Councilman Joel B. Brink

All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk